3.19 NATIVE AMERICAN CONCERNS

An integral part of the NEPA scoping process includes coordination between federal agencies and those groups who may be affected by a proposed federal action. Toward this end, the BLM has initiated coordination with Native American tribal representatives in the project area through data-gathering efforts. This process has provided tribal entities the opportunity to identify potential effects of the project on Native American interests.

This section describes the background study, which facilitates the coordination process between the BLM and Native Americans, identifies the Native American resource areas of interest, as well as the project's potential effects on Native American concerns. Also included are recommended mitigation measures to avoid or reduce potential effects to Native American concerns. This section primarily focuses on ethnobiotic concerns (i.e., culturally important plants and animals); Native American heritage concerns are addressed are Section 3.16, Cultural Resources.

3.19.1 AREA OF ANALYSIS AND METHODOLOGY

The analysis area for Native American concerns is defined as the 500-foot wide study corridor, 250 feet to each side of the proposed centerlines of the route alternatives. The methodology for the analysis of Native American concerns included a review of correspondence and/or communication records and ethnographic studies that address potential Native American issues and concerns within the analysis area. The process for identifying project-related Native American concerns involved a background study and interviews with concerned Native Americans. This process is described below. An ethnographic contact log summarizing the process is provided in SEI (2000b).

Background Study to Facilitate BLM Coordination with the Western Shoshone.

This study involved research of published ethnographies and history and unpublished archives, interviews with ethnographers and agency personnel with experience in the area, and a series of meetings and interviews with Western Shoshone tribal representatives, presentations to tribal councils, and focused interviews and field trips with individuals especially knowledgeable about the history of land use and traditions associated with the project area. Meetings and interviews were open-ended but guided by the research questions, and focused to identify Western Shoshone historic properties and potential traditional cultural properties. The study included three tasks: identifying primary contacts, identifying issues and potential properties and areas of concern, and disclosure (reporting the results).

First contacts between the ethnographer, Penny Rucks, and tribal representatives were made by phone on April 13, 1999, two weeks after the Battle Mountain Field Office had initiated formal coordination with a "project initiation letter." The letter, introducing both the ethnographer and the project, was sent to 21 people representing 14 separate tribal governments or inter-tribal organizations. Roberta McGonagle, the Tribal Relations Coordinator, has developed this list of contacts over several years. A series of phone conversations with tribal representatives initiated meetings to identify the primary contacts and to establish the protocol for conducting the research, coordinating with and informing all interested parties, and preparing the reports. While Western Shoshone history makes it clear that all 14 tribal governments and organizations would have a concern about the project area and that all property owners and tribal colonies or reservation areas were likely to include residents with ancestral ties to the study area, representatives worked with Rucks to initiate procedures to identify primary contacts and facilitate interviews and reviews of the reports.

Meetings ensued to establish these procedures. Kevin Brady, Sr. and Maurice Frank-Churchill, Chair and Vice Chair of the Yomba Shoshone Tribal Council suggested many of the procedures after coordinating with other tribal organizations. Other key contacts who participated in initial meetings included Lydia

Johnson, Chair, and Bernice Lalo of the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone; Carrie Dann of the Western Shoshone Defense Project; and Lorrinda Sam, Kathy Griffin, and Cindy Marques of the Ely Shoshone Tribe. Information about the project and unfolding protocol for data collection was presented to the Ely Tribal Council June 18, 1999, and to the Yomba Tribal Council, July 8, 1999. SPPC, the archaeological consultant (SEI), and Western Shoshone representatives worked together to address the primary issue immediately raised by all Western Shoshone participants: how to effectively incorporate Western Shoshone expertise into data collection and how to protect cultural knowledge.

The Western Shoshone agreed to limit the scope of inquiry to primary contacts as long as all the contacts initially identified by the BLM had opportunities to review and comment on reports. In turn, SPPC authorized SEI to include two Western Shoshone cultural specialists as crew members for the archaeological survey already in progress. In addition, Carrie Dann and other staff of the Western Shoshone Defense Project were designated to work with Rucks to contribute to the inventory report, subject to review by other tribal organizations and individuals. The collaborative report would be based on the observations of the cultural specialists and identify sites potentially eligible as Western Shoshone historic properties and as TCPs, as a basis for identifying potential effects from the project and to propose mitigation.

At the same time, any of the tribal groups or representatives could identify individuals for focused interviews with Rucks about the analysis area. Field trips and interviews were conducted with individuals particularly knowledgeable about the project area. Additional contacts are available for interviews and additional field trips may be appropriate once the preferred alternative is identified.

REGULATORY FRAMEWORK

NHPA Amendment for Protection of Native American Values

As discussed in Section 3.16, Section 106 of the NHPA requires federal agencies to take into account effects of their undertaking on properties eligible to the NRHP. Amendments of 1992 provide explicitly for consideration of places of traditional religious or cultural significance as eligible to the National Register. Such places, referred to as "traditional cultural properties," require different consideration from archaeological sites and historic buildings (NPS 1986) when evaluating their significance against National Register criteria. The 1992 amendments also direct federal agencies to consult with appropriate tribes as part of their Section 106 process. Such consultation enables tribal governments and traditional elders to assist in the following: 1) identifying potentially eligible properties and the values that make them eligible; and 2) assessing project effects on such properties, including identification of mitigation measures where possible.

National American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended (Federal Register 62:148), requires consultation with appropriate Indian tribes prior to the excavation of human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands. NAGPRA recognizes Native American ownership interests in some human remains and cultural items on federal lands and makes illegal (under most circumstances) the sale or purchase of Native American human remains, whether or not they are derived from federal or Indian lands. Repatriation, on request, to the culturally affiliated tribe is required for human remains and associated funerary objects. Repatriation of other cultural items is dependent upon whether or not the original acquisition of an item was from an individual with the authority to alienate it from the tribal group (43 CFR Part 10).

Executive Order 13007 of 1996, "Indian Sacred Sites"

Executive Order 13007 adds an element of enforcement to the policy set forth by the American Indian Religious Freedom Act in 1978. It requires the following actions from federal agencies: 1) accommodate access to and ceremonial use of sacred sites by Indian religious practitioners; and 2) avoid adverse physical effects to such sites. Agencies must provide reasonable notice of proposed actions that might "restrict further access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites." Tribes must inform agencies of the existence of such sites.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act of 1978 affirms United States policy that federal agencies will ensure their policies and procedures protect and preserve the rights of American Indians to affirm, express, and exercise traditional religions, including access to sites, use and possession of sacred objects, and freedom of worship through ceremonials and traditional rites. The law required a review of policies by federal agencies when it was passed. However, it contains no enforcement provisions or sanctions for policies or procedures that do not comply with the overall policy.

Consideration of the proposed action in relation to these laws and regulations is provided below, as well as in Section 3.16, Cultural Resources.

3.19.2 AFFECTED ENVIRONMENT

ETHNOBIOTIC RESOURCE TOPICS OF INTEREST TO THE WESTERN SHOSHONE

Ethnobiotic resources are plants and animals that continue to play an important part in maintaining cultural traditions. The plant and animal resources described below are important in maintaining the cultural traditions of the Western Shoshone and have been summarized from the Class III Cultural Resources Inventory (SEI 2000a).

PLANT RESOURCES

Human settlement and travel are dictated by access to water and proximity to key resources, including plants and animals. Cultural plant species collected for food, medicines, and construction purposes are themselves key resources that condition human activity and components of plant communities that generate habitat for animals. In the central Great Basin, economic plants (plants used for construction and/or trading) are distributed in four vegetation zones; (1) saltbrush zone, (2) sagebrush zone, (3) pinyon-juniper zone, and (4) riparian zone (SEI 2000a).

It is important to acknowledge that climatic, cultural, and technological changes have significantly altered the distribution of some of these plants and even caused extinction. Climate fluctuations in particular have affected the ranges of entire vegetation zones. Yet, with the exception of pinyon, most of the plants that occur in these zones today are likely to have been present somewhere in the project area throughout most of the Holocene period (the last 10,000 years). The distribution and seasonality of economic plants important to the Western Shoshone may contribute insight into the relative intensity and timing of human activity within these vegetation zones.

As recounted to ethnographers and in tribal histories (Crum 1994; Fowler 1986; ITC 1976; Steward 1938; Thomas et al.), the distribution and harvesting seasons of economic species dictated the timing and direction of movements into traditional gathering areas. Seeds, for instance, had to be gathered after ripening but before natural dispersion. Only the tender emergent greens of wild onion (*Allium*

acuminatum), available first in valley floors and then higher elevations later in the year, were gathered (and still are), while bulbs of other onions and lilies were gathered in summer and fall.

Although the Western Shoshone groups had access to habitually visited resource areas with established camps, other less frequented areas provided alternatives for years when production was down or non-existent. Healthy social relations and ties to families in more distant locations provided additional contingencies. Resources that were especially abundant in a given year or place, such as a prolific pine nut harvest or rabbit population, provided opportunities for larger gatherings and reunions. Of particular importance in scheduling movements and length of residence was the imperative to harvest adequate stores for the winter, and the inclination to return to areas for plants that were intensively managed to sustain yields or promote desired growth characteristics.

Some of the Western Shoshone economic plants endemic to the project area are presented in Table 1-1 of the Class III Cultural Resources Inventory (SEI 2000a). With the exception of tobacco (*Nicotiana attenuata),* medicinal plants are not included due to the sensitive nature of the information. Additionally, although Western Shoshone pharmacopoeia was extensive and collection of medicinal plants for use and trade provided a powerful incentive for collecting trips, these were frequently individual endeavors and not reported as a primary factor in directing settlement; in fact, there is every indication that medicinal plants were frequently sought away from domestic settings. Tobacco is included because it was sown, indicating planned return, and grown as a trade item as well as for consumption (Steward 1938).

Many economic plants used for construction purposes were pruned and cut to encourage construction attributes over several seasons of growth. Many of these plants occur in the pinyon-juniper zone. Collectors would have returned frequently to tend and harvest these resources. Greasewood and sagebrush, two versatile resources for manufacture and construction of a variety of equipment and structures, are available from the saltbrush and sagebrush zones.

Of the 30 species of seeds and berry products collected for winter stores, eight occur in the saltbrush zone, 18 in the sagebrush zone, and 10 in the pinyon-juniper zone. Although sowing seeds from producers in the pinyon-juniper zone has not been documented, acquiring pine nuts from this zone was arguably the most prominent feature of providing winter stores. Other forms of tending and managing pinyon trees to increase cone production have been documented (Fowler 1996) and some researchers have suggested that pinyon colonization into the area may have been enhanced by human carriers who may have deliberately planted cones (Merhinger 1986; Rhode 1998; Rhode and Wigand 2000). A harvest ritual among pinyon collectors includes burying cones as a form of thanks giving. Together, these investments that entail returning to specific gathering localities suggest a significant degree of stability and predictability in an annual round that incorporated multiple contingent localities.

Winter settlements located along the sagebrush and pinyon-juniper vegetation zones would have provided access to the most plant resources, those most intensively managed, and provided a logistic base for camps and gathering loci in other zones. The fact that important winter stores occur and were sown in the saltbrush zone emphasizes the range and flexibility of the subsistence regime.

ANIMAL RESOURCES

Birds

Golden eagles (*Aquila chrysaetos*) and bald eagles (*Haliaeetus leucocephalus*) figure prominently in Western Shoshone mythology as messengers to and from the creator. Feathers were (and are) used by Indian doctors (shamans), usually as part of the healing ritual. Steward (1938) described traditional means of trapping and keeping eagles for their feathers that included climbing cliffs to capture and rear the young or various means of luring adult birds with bait; these birds were usually eventually released. Most

accounts emphasize the special power required to climb to aeries and that aeries were usually considered the property of these men.

Other birds, including sage grouse (*Centocerus urophasianus*), mourning dove (*Zenaida macroura*), and mockingbirds (*Mimus polyglottus*), were trapped in sagebrush country, and red-winged and yellow-headed blackbirds (*Agelaius phoeniceus* and *Xanthocephalus xanthocephalus)* near wetlands (Fowler 1986; Thomas 1986). Mormon crickets (*Anabrus simplex*), cicadas (*Okanagodes* spp.), and grasshoppers were collected when abundant.

Edible waterbirds include several duck species (*Anas cyanoptera*, *A. platyrhynochos*, A. *stepera, A. americana*), Canada goose (*Branta canadensis*), and great blue heron (*Ardea herodias*); coots (*Fulica americana*) were driven out of shallow water and clubbed in Ruby Valley (Steward 1938). Beaver and muskrat were also hunted.

Rabbits

Rabbits (*Lepus californicus*) were commonly taken in large numbers by communal drives, often associated with the fall pine nut harvest. Men, women, and children participated in driving rabbits into long nets. Rabbits seem to have been plentiful throughout the project area and were important for their meat and fur.

Other small mammals, including a variety of squirrels and mice, were trapped, skewered, and flooded from burrows (Fowler 1986). The yellow marmot (*Marmota flaviventris*), a mountain species, was particularly sought in the spring and was eaten, the fat rendered as a salve, and the fur tanned for robes (Steward 1938). Desert burrowers include pocket gophers, ground squirrels, and prairie dogs.

Big Horn Sheep

Big Horn Sheep (*Ovis canadensis*) are rare in the project area but were arguably once the most important large game of Western Shoshone prehistoric populations (Thomas 1986). It is clear that populations were once much greater and more widespread before progressive habitat destruction from Euroamerican mining and ranching. Once in the grassy foothills and bluffs, populations had retreated almost exclusively to less accessible high mountains in Steward's time. Big horn sheep were hunted in summer and winter by varied methods, including ambush from permanent blinds and chasing with dogs in the summer; migration hunting in the fall from rock walls, cairns, and blinds, particularly along canyons in precipitous terrain; and by encounter in the winter range when rams could be attracted by mimicking the sound of fighting by thumping logs together. Big horn sheep were hunted communally, and terrain and other factors localized these hunts. Communal hunts persisted in Ruby Valley through contact, attracting people from settlements in northern Butte and Long Valleys.

Antelope

Antelope (*Antilocarpa americana*) were probably the second-ranked large game and were communally hunted by large numbers of participants drawn to locales where antelope shamans resided, or where they called a hunt (Thomas 1986). This multi-day event required construction of a corral and wings for the drive and had magical associations. Drives were held every 5-12 years; the long interval between hunts was intended to allow populations to recover. The Humboldt River area, the north ends of Newark, Long, and Butte Valley, and the southern end of Diamond Valley were noted by Steward as good antelope areas and where antelope shamans were available (Steward 1938).

Deer

Deer (*Odocoileus hemionus)* habitat has expanded since contact, benefiting from reduced numbers of big horn sheep in the mountains and antelope in the bottom lands, and with game management focused on the popularity of deer as game. Deer hunting among the Western Shoshone, occasional and opportunistic in the past, became more important in proportion to reduction of other game. Deer herds

were small, and deer were most frequently hunted with bow and arrow by lone men or by small hunting parties who stalked and shot deer with arrows. Communal deer hunts were rare and sometimes involved antelope shamans (Thomas 1986).

Fish

Although fishing was apparently limited (Thomas 1986), the Humboldt fishery, located on the section of river spanned by the study corridor, is recognized as one of the most important fisheries in the Great Basin (Fowler 1986; Steward 1938). Steward also reported fishing in Pine Creek (1938:142) and that "Humboldt River fish were very important because they could be taken all winter" (1938:41). He provides a few details about technology and species. He states that in addition to techniques recorded for Owens Valley, such as diverting streams, stranding, confusing, shooting, spearing, using hooks, baskets and nets, the Humboldt River Shoshone also used harpoons and complicated dams and weirs, and three dam locations are reported near Elko by Steward at South Fork and Susie Creek (Steward 1938:159). The diversity of this complex suggests that fishing was well integrated into the economy. River fish would have been a more predictable staple than those from ephemeral playas, but low snowfalls periodically affected this fishery as well (Burche 1864 in Steward). Steward also noted that irrigation had almost dried up the river. Euroamerican emigration concentrated along the river corridor would have immediately impacted fishing structures and fish runs. It is certain that fishing was a primary focus for settlement and subsistence during climatic regimes when pluvial lakes characterized basin environments in Crescent Valley, for instance, and when wetlands and marshes were more extensive in Whirlwind, Pine, and Steptoe Valleys.

Steward identified eight species of fish as abundant in the Humboldt and its tributaries: *Castostomus tahoensis*, red sucker, up to 24 inches long; *C. arenarius*, sand-bar sucker, up to 20 inches long; *Pantosteus lahontan*, Lahontan sucker, up to 6 inches long and migrating upriver in July; *Siphateles obesus* lake chub, up to 14 inches long and very abundant; *Richardsonius egregius*, red-striped shiner, up to 5½ inches long; *Agosia robusta*, black minnow; *Cottus beldingi*, desert rifflefish; and *Salmo henshawi*, or tahoe trout (Shoshone *agai*). The latter was the most sought after, but the suckers and chub were also very important. In addition, Fowler (1986) lists the bull trout (*Salvelinus confluentus*) as taken.

3.19.3 ENVIRONMENTAL CONSEQUENCES

This section identifies the project's potential effects on Native American concerns and provides mitigation measures to eliminate or reduce their effects.

SIGNIFICANCE CRITERIA

The project would have a significant adverse impact to Native American concerns if it would:

- Pass directly through or adjacent to an identified resource area of concern for Native Americans, such that the resource area would be adversely impacted by the construction, operation, or maintenance of the transmission line.

ENVIRONMENTAL IMPACTS – COMPARISON OF ALTERNATIVES

Impacts Common to all Route Alternatives

This section identifies the Native American concerns that are common to all the route alternatives, and provides mitigation measures to avoid or reduce these potential effects. This section identifies ethnobiotic resources, as well as other Native American concerns, which may be affected by the project.

Ethnobiotic Resources

Native American tribal representatives contacted to facilitate the coordination process indicated that all of the ethnobiotic resources described above are important in maintaining cultural identity for the Western Shoshone. These individuals indicated that five of these resources would be potentially affected by the project (personal communication with Penny Rucks, September 22, 2000). These resources are identified in Table 3.19-1 and described below. Figure 3.19-1 identifies these areas on a map of the project area to the extent possible.

TABLE 3.19-1: NATIVE AMERICAN ETHNOBIOTIC RESOURCES OF CONCERN IN THE PROJECT AREA

Resource	Nearest Route Segment
Pinyon Pine	B, E, F, G, H, I, J
Sage Grouse	B, C, E, G, and J
Eagles	B, E (golden eagle nests)
Rabbits	N/A
Medicinal Plants	N/A

Source: Personal Communication with Penny Rucks, September 22, 2000
N/A = Not Appropriate for mapping due to the confidential nature of their locations, or non-existence the project area.

Pinyon Pine

The harvesting of pinyon pine nuts is considered an important part in maintaining the cultural identity of the Western Shoshone. Pinyon pine growth areas primarily occur above the 6,000-foot elevation in the project area, in the vicinity of all segments except for Segments A, C, and D[1] (see Figure 3.19-1.). Native American tribal representatives are particularly concerned about the potential disturbance of pinyon pines resulting from the construction, operation, and maintenance of the project. As described in Section 3.4, temporary losses to pinyon pine, as well as other vegetation types, could be caused by the placement of tower structures, wire setup areas, material yards, improved existing access roads, new spur roads, and the 30-foot-wide centerline travel route.

Implementation of mitigation measures described in Section 3.4 (Vegetation), would reduce potential impacts to pinyon pine to a less-than-significant level. These mitigation measures include: (1) restricting travel routes to the shortest feasible path during construction, (2) restricting all vehicle travel for construction and maintenance when the soil is too wet, and (3) minimizing vegetation removal wherever possible. These mitigation measures would reduce or eliminate impacts to pinyon pine woodlands, and are incorporated here by reference.

Eagles

For many Great Basin Indians, bald eagles and golden eagles are considered messengers to and from the creator and continue to play a central role in Western Shoshone cosmology (personal communication with Penny Rucks, SEI, September 22, 2000). Their care and protection are of particular importance. Feathers and other body parts of both (obtainable today, only by permit through the U.S. Fish and Wildlife Service) are only handled by those spiritually prepared to do so for religious and spiritual purposes, and for traditional healing. They play a central role in the Sun Dance and in the practice of contemporary spiritual leaders. The health and vitality of the eagle population are critical to these practices and to the population at large, who consider the presence of living eagles a good indication of

[1] Pinyon pine was not surveyed individually, but was included together with juniper during the vegetation survey completed for this project. As a result, actual occurrence of pinyon pine may be less extensive. These areas are referred to as Pinyon/Juniper.

continued well-being. Native American tribal representatives are particularly concerned about the potential for electrocution of bald and golden eagles that may perch on project transmission lines.

As discussed in Section 3.7, no significant adverse impacts are expected to occur to bald eagles because neither bald eagles nor their potential roost sites were located in the study corridor during biological surveys completed for this project. Potential roost sites are presumed to be located in portions of Newark and Diamond Valleys between 5 to 15 miles south of the nearest project segment (Segment E). Three golden eagle nests (two active, one inactive) were found in the project area (one on Segments B and two on Segment E), as discussed in Section 3.7. Mitigation measures in this section recommend that project construction activities avoid golden eagle nests within a 0.5 mile radius during the nesting season. Implementation of these mitigation measures would reduce impacts to Native American concerns about golden eagles to a less-than-significant level. Due to the bald eagle's distance from the project area, these areas are not mapped in Figure 3.19-1. Golden eagle nests are mapped in Figure 3.19-1.

Studies have shown that electrocution of raptors (including eagles) with transmission lines has not represented a significant mortality factor (see Section 3.7 for further detail). In addition, the wingspan of these raptors would not likely be long enough to contact two transmission wires at the same time, which would be required for electrocution to occur. For these reasons, the project would have a less-than-significant effect on eagles as a Native American resource of concern.

Sage Grouse

Sage grouse nesting and strutting grounds exist throughout the project area and are considered an important part in maintaining the cultural identity of the Western Shoshone. These areas are primarily located near Segments B, C, E, G, and J as shown in Figure 3.19-1. Native American tribal representatives are particularly concerned that the project would provide additional perches and nesting areas for predators, which may reduce sage grouse populations.

SPPC has committed to placing perch-deterrent devices on the poles of the transmission line located near active sage grouse habitats (leks) to discourage predator perching. In addition, construction activities would not occur within a 2-mile radius of an identified sage grouse lek, and certain restrictions of the time of construction activities would also apply. For more information, refer to Mitigation Measures Special-Status Species-7a, 7b, 8a, and 8b, as described in Section 3.7, Special Status Species. These mitigation measures would reduce or eliminate impacts to sage grouse populations and are incorporated here by reference.

Rabbits

Rabbits are considered an important part in maintaining the cultural identity of the Western Shoshone. Traditional rabbit drives occurred throughout the project area, but particular concern was expressed about an area in the vicinity of Segment B, also an area recommended as a potential TCP (see Section 3.16 for further detail). For purposes of confidentiality, these areas are not mapped in Figure 3.19-1. Native American tribal representatives are particularly concerned that the project would provide additional perching and nesting areas for predators, which may reduce rabbit populations.

Use of perch-deterrent devices on transmission line poles in sensitive sage grouse habitat, as described in Mitigation Measure Special-Status Species–8a, Section 3.7, could also help reduce impacts associated with predation of rabbit populations in this location.

FIGURE 3.19.1: NATIVE AMERICAN RESOURCE AREAS OF CONCERN

Medicinal Plants

Plants containing medicinal properties are dispersed within the project area and are important in maintaining the cultural identity of the Western Shoshone. The types and locations of these medicinal plants are confidential in nature and are only known to Western Shoshone traditionalists (personal communication with Penny Rucks, September 22, 2000). Some medicinal plants are locally abundant, while others may be rare in occurrence. It is possible that the construction, operation, and maintenance of the project may disturb or destroy culturally important medicinal plants.

- ***Impact Native Concerns-1: Effects to Medicinal Plants***

  Construction, operation, and maintenance of the project may disturb or destroy medicinal plants that are important in maintaining the Western Shoshone cultural traditions. This is considered a potentially significant adverse impact on Native American concerns.

- ***Mitigation Measure Native Concerns-1***

  The BLM would interview Western Shoshone traditionalists knowledgeable about the location of traditional medicinal plants in the project area and discuss the need for avoidance during construction. Rare medicinal plant areas which may be located within or near project components (e.g., tower bases, centerline routes, improved access roads, etc.) would be field-checked by a botanist qualified to recognize such plants, and such information would remain confidential. Locally abundant or widespread medicinal plants would not require field-checking. If no medicinal plants, rare or otherwise, are identified in the project area no further mitigation measures would be required. If rare medicinal plants are identified in the project area and may be adversely affected by project construction, operation, or maintenance, the project would be designed to avoid them if possible. This may include relocating tower bases or rerouting the centerline travel route or other access roads. Other measures, such as protective fencing during construction, may also be required. These protective measures would be described in the COM Plan. If avoidance of the plants is determined infeasible, SPPC, the BLM, and tribal traditionalists would determine alternative mitigation measures.

Effects on Other Native American Concerns

A number of additional concerns were raised by Western Shoshone tribal representatives, cultural specialists, and survey participants during the coordination initiation process. These concerns relate to the environmental consequences of direct and indirect impacts to cultural resources, including archaeological sites, potential TCPs, and potential ethnohistoric districts. These potential impacts, and the mitigation measures recommended to avoid or reduce them, are provided in Section 3.16, Cultural Resources and are incorporated here by reference.

Other concerns are related to the cumulative effects of continued development of public lands within the Western Shoshone aboriginal territory, including the proliferation of utility corridors. This discussion lead to suggestions that the project adhere more consistently to existing utility corridors and highways, and questions were raised regarding diversions into undeveloped landscapes. The potential cumulative effects of additional utility corridors, and the mitigation measures recommended to avoid or reduce them, are provided in Chapter 5, Cumulative Impact Analysis, and are incorporated here by reference. An analysis of the proposed RMP amendments and their effect on Native American concerns is provided in Chapter 6. Both of these sections are incorporated here by reference.

There is also concern that the transmission line is connected to development for a nuclear waste railroad line through Western Shoshone traditional territory. These concerns have been noted and are included in the Ethnographic Study (SEI 2000b) which is pending review by the Ely Tribal Council.

The single most significant Native American concern, however, relates to the direct impacts to cultural resources posed by archaeological data recovery, which is the traditional means of mitigating impacts to

properties valued for their scientific values and eligible under Criterion D. According to Native Americans, excavation destroys land-based heritage and is perceived as disrespectful, leading to permanent removal of cultural items and continued appropriation of Western Shoshone culture and distortion of Western Shoshone prehistory.

Access Road Impacts

As described in Section 3.16, potential direct and indirect effects to cultural resources may occur as a result of improvements to existing access roads, construction of the centerline travel path, and new temporary spur roads. Native Americans are particularly concerned with continued loss to their cultural values and land-based heritage resulting from disturbance to cultural resources, including data recovery activities. Improved access roads have the potential to affect numerous cultural resources. Mitigation Measure Cultural-12 described in Section 3.16 would reduce the potential effects of access roads on Native American concerns. The proposed reclamation efforts would additionally reduce impacts to Native American concerns.

Alternative-Specific Impacts

No substantial adverse effects to Native American concerns have been identified by route alternative, or on a segment-by-segment basis. The resources identified in Table 3.19-1 are attributable to various project segments, but may occur throughout the entire project area. The locations of other resources are confidential in nature and do not lend themselves to a segment-by-segment analysis. As a result, the project effects on Native American concerns are considered common to all route alternatives.

Summary Comparison of Route Alternatives

TABLE 3.19-2: SUMMARY OF IMPACTS BY ROUTE ALTERNATIVE

Impact	Crescent Valley (a)	Crescent Valley (b)	Pine Valley (a)	Pine Valley (b)	BUCK MOUNTAIN
Impact Native Concerns-1: Effects to Medicinal Plants	X	X	X	X	X

RESIDUAL IMPACTS

After implementation of Mitigation Measure Native Concern-1, the primary medicinal plant areas would continue to be available to Native Americans in the project area. However, the protection of these plants is limited by the tribal traditionalists' memory of their locations. Some of these plants may exist outside of known locations and could be inadvertently lost due to construction activities. Implementation of Mitigation Measure Native Concern-1 would protect the primary locations of these plants. As a result, the residual impacts to medicinal plants is considered minor.

NO ACTION ALTERNATIVE

Under the No Action Alternative, impacts to Native American resources of concern associated with this project would not occur. However, resource impacts could occur in other areas as SPPC and the Nevada PUC would begin emergency planning efforts to pursue other transmission and/or generation projects to meet the projected energy load capacity shortfall.